



INTERNAL AUDIT

Preliminary Assessment of Commuter Rail Operations

R-22-01

December 2, 2022

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Rating Matrix

Descriptor	Guide
High	Matters considered being fundamental to the maintenance of internal control or good corporate governance. These matters should be subject to agreed remedial action within three months.
Medium	Matters considered being important to the maintenance of internal control or good corporate governance. These matters should be subject to agreed remedial action within six months.
Low	Matters considered being of minor importance to the maintenance of internal control or good corporate governance or that represents an opportunity for improving the efficiency of existing processes. These matters should be subject to agreed remedial action and further evaluation within twelve months.

Distribution List

Title	For Action ¹	For Information	Reviewed prior to release
Executive Director		*	*
Chief Operating Officer	*		
Chief Financial Officer		*	
Director, Safety & Security Officer	*		
Commuter Rail General Manager	*		*

¹For Action indicates that a person is responsible, either directly or indirectly depending on their role in the process, for addressing an audit finding.

Executive Summary

Introduction

The Audit Committee directed Internal Audit (“IA”) to perform an audit to determine if controls over Commuter Rail Operations are designed adequately and operating effectively to ensure compliance with federal regulations, state laws, and internal policies and procedures as well as to support the achievement of management objectives. The Audit Plan was approved by the Audit Committee on January 31, 2022.

The preliminary assessment phase was concluded on November 29, 2022 and was conducted in accordance with the International Standards for the Professional Practice of Internal Audit, published by the Institute of Internal Auditors.

Background and Functional Overview

UTA maintains a fleet of commuter rail vehicles to provide transportation services across the Wasatch Front. As of November 2022, the management and direction of UTA commuter rail services (FrontRunner) is led by Bruce Cardon – Commuter Rail General Manager and then divided into management groups under the following: Benjamin Adams – Manager of Commuter Rail Vehicle Maintenance and Zachary Thomas – Manger of Commuter Rail Operations.

Objectives and Scope

The primary areas of focus for the Commuter Rail Operations and Safety assessment were:

- Governance
- Operator training and oversight
- Americans with Disability Act compliance
- Safety

IA reviewed internal policies and procedures, legal and regulatory requirements, interviewed FrontRunner personnel, department leadership, and evaluated control documents to conduct this preliminary assessment.

Summary

Although we note opportunities and recommendations for improvement emphasized in this report, we observed numerous strengths, best practices, and accomplishments within FrontRunner operations. Particularly praiseworthy is management’s approach to training operators, its commitment to providing equitable service to all customers, and the focus on continuous improvement.

IA notes opportunities to implement stronger controls in support of FrontRunner’s training programs and supporting mental health wellness throughout UTA.

IA appreciates the assistance offered by FrontRunner management and staff in completing this preliminary assessment.

Attachment A: Details of Recommendations

Preliminary Assessment Finding R-22-01-01 240 and 242 Programs Support

Risk Level: Low

Preliminary Assessment Status

Details:

Certification for Locomotive Engineer (“240”) and Conductor (“242”) programs are ultimately subject to 49 CFR Parts 240, 242, 243. The FrontRunner training team is responsible for conducting and tracking skills testing done in UTA’s 240 and 242 programs. Part of that responsibility is fulfilled by the careful maintenance of proper training records regarding student enrollment, performance, skill progression, and turnover. Furthermore, the training personnel are required to conduct Engineer Skills Performance Assessments as Designated Supervisor of Locomotive Engineers (DSLE); this can take up over 500 workhours annually. The resources devoted to these requirements, along with the other duties of the training staff, leaves scant opportunities to develop innovative curriculum, like that used in simulation programs, to further educate Engineers and Conductors.

Criteria:

240 and 242 program training requirements are set by the Federal Railroad Administration (“FRA”) in 49 CFR Parts 240, 242, and 243.

Record management requirements are outlined in sections 240.215, 242.205, and 243.203; which require:

“Each employer shall maintain records to demonstrate the qualification status of each safety-related railroad employee that it employs. The records for former safety-related railroad employees shall be accessible for 6 years at the employer’s system headquarters after the employment relationship ends” (243.203).

The records and qualification status include eligibility requirements (outlined in 240.115, 240.117, 240.119, 242.111, 242.113, 242.115, 242.403), knowledge testing (outlined in 240.125, 240.127, 242.121), and completion of a training program (outlined in 240.123, 242.119). These records are updated throughout the year as training and testing are completed.

Criteria for DSLEs is outlined in section 240.105:

- 1. Knows and understands the requirements of this part;*
- 2. Can appropriately test and evaluate the knowledge and skills of locomotive engineers;*
- 3. Has the necessary supervisory experience to prescribe appropriate remedial action for any noted deficiencies in the training, knowledge or skills of a person seeking to obtain or retain certification;*
and
- 4. Is a certified engineer who is qualified on the physical characteristics of the portion of the railroad on which that person will perform the duties of a Designated Supervisor of Locomotive Engineers.*

These duties include monitoring numerous criteria that while “a [DSLE] is observing a person to determine whether that individual should be certified or recertified as a qualified locomotive engineer” (Appendix E to Part 240)

The job description for the Rail Operations Training Leader states that this position should be able to use up to 30% of their time on the following:

“Develops and evaluates training curriculum, manages the revision of curriculum to improve effectiveness, and develops customized training programs for current operators in conjunction with Trainers.”

The job description for Commuter Rail Operations Trainers states that this position should be able to use up to 20% of their time on the following:

“Works closely with Manager and Assistant Managers of Rail Operations, Training Lead, Supervisors, and training professionals to develop training programs. Evaluates the quality of classroom training and continuously improves the process to support training effectiveness.”

Underlying Cause:

The high volume of duties and responsibilities for FrontRunner training staff are time intensive. The majority of the position’s time is spent maintaining compliance with existing requirement rather than developing new content and improving the training program.

Potential Risks:

- Non-compliance with Federal training regulations may subject UTA to federal corrective action plans, fines, withdrawal of funding, and/or shut down commuter rail operations until compliance is achieved.
- With limited time to devote to continuous improvement of training programs, UTA’s program could become underdeveloped and outmoded.

Recommendations:

1. IA recommends that Commuter Rail management take additional steps to resource training development that may include one or more of the following:
 - a. Create a new FTE: Commuter Rail Instructional Designer to focus efforts in evaluating and developing program curriculum (including strategic simulator curriculum).
 - b. Provide the Commuter Rail Training team with administrative assistance familiar with thorough and compliant record management.
 - c. Expand DSLE duties to other capable supervisors and/or managers

Management Response and Action Plan:

- a. This position has been created and posted for hire. We are currently evaluating applicants with the hope of filling the position by the end of the year.
- b. There are currently two administrative staff available for the training team to utilize. We will be sure to recommunicate to the training team that they are willing and able to assist with any tasks they need help with.
- c. This recommendation has already been completed. We hired a consulting/training company TCS (Training Certification Services) to come in and provide DSLE training to several additional staff members. Of which we certified two new DSLE’s to help with certification duties.

Target Completion Date:

All tasks should be completed no later than 12/31/2022.

(See Appendix A for supporting research on mental health impacts and best practices.)

Preliminary Assessment Status

Details:

Management has created formalized plans and practices for addressing employee mental health after their involvement in a critical incident. However, the emotional trauma that employees can experience may not be expressed within the timetables and structures of the existing plans. Discussions with management provided context that the mental health treatment currently provided by UTA partners is valuable and necessary but should only be a part of what UTA can offer to encourage mental health among its employees. Research available on the FRA's Rail Suicide Prevention Resource Page, along with interviews conducted by Mass Transit magazine suggests that the organizational culture of rail employees, the nature of trauma post-incident, and administrative measures can create barriers to an environment that empowers mental health recovery. Management agrees that a more robust system of mental health support needs to be in place to protect all UTA employees from developing disorders such as Post Traumatic Stress Disorder (PTSD) and Acute Stress Disorder (ASD).

Criteria:

UTA FrontRunner Commuter Rail Operations Critical Incident Stress Plan states:

This plan is adopted by UTA, in fulfillment of requirements set forth in 49 CFR Part 272, Critical Incident Stress Plans. UTA FrontRunner is committed to employee health, safety and welfare which has been in implementation since inception of the railroad. UTA FrontRunner intends for this plan to operationalize the key elements in responding to critical incidents, ensure its consistent and effective application, provide for its maintenance, continuity, and document its conformance to all requirements of 49 CFR Part 272. UTA Frontrunners Critical Incident Plan seeks to apply evidence supported best practices to:

- 1. Reduce the likelihood of employees developing disorders such as Post Traumatic Stress Disorder (PTSD) and Acute Stress Disorder (ASD) as a result of experiencing a critical incident in the workplace; and*
- 2. Provide clear pathways to access evaluation and treatment as indicated to decrease symptoms and promote resilience and recovery.*

Underlying Cause:

Research demonstrates that transit workers can begin to have severe mental health effects due to the stresses of being involved in critical incidents that involve serious injury or death on UTA property. PTSD and ASD symptoms can emerge from the stress that follows a traumatic event and transit workers are susceptible to, and very often exposed to trauma. Some research concludes that employees may develop health complications including sleep issues, recurring thoughts about the incidents, and social isolation from family and coworkers.

Potential Risks:

- Employees may develop neurological disorders like PTSD or ASD from work stressors like critical incidents.
- Accessible evaluation and treatment options due to critical incidents can seem limited and/or administrative rather than focused on individual wellbeing.

- Mental health well-being can be stigmatized without clear communication and direction from the organization, causing morale problems.
- Employee retention rates could decrease without a formal support and recognition of stressors of transit employees.
- Applicant pools for vehicle operators may be limited due to fear of potential involvement in critical incidents without additional support structures to employee mental health.
- Employees with disorders like PTSD or ASD without formalized and ongoing support may require more time off from work.
- Employees with disorders like PTSD or ASD without formalized and ongoing support may have decreased productivity.

Recommendations¹:

1. UTA should create a Mental Health Safety program to encapsulate and centralize organizational efforts.
 - a. Formalize the use of UTA Chaplain services to spearhead UTA’s Mental Health Safety program.
 - b. Allow UTA Chaplain services to facilitate and support QPR training efforts organization wide.
 - i. Require UTA Chaplain services to further train prospective QPR trainers
 - c. UTA Chaplain services should establish and facilitate a UTA Peer Support program to teach and enable employees to support each other in empathetic mental health.
 - i. Distribute contact information of peer support team members internally.
 - d. In executing a Mental Health Safety program, management should implement privacy safeguards according to law and best practice.
2. IA recommends that Commuter Rail Operations update all relevant SOPs, policies, and checklists to include contacting UTA Chaplain services along with Blomquist Hale personnel for critical incidents.

Management Response and Action Plan:

Response to Recommendation 1 by UTA Police Department:

See Appendix B for detailed response.

Response to Recommendation 2 by Commuter Rail Management:

FrontRunner will update all relevant department policies and SOPs to include that UTA Chaplains are a resource available for all employees that are struggling with the aftereffects of critical incidents.

Target Completion Date:

To be determined.

¹ The auditor offers these recommendations based on available research, her professional experience within law enforcement, and relevant academic research in 2018.

Appendix A

BC First Responders' Mental Health (2017) Supporting Mental Health in First Responders: Recommended Practices. <https://bcfirstrespondersmentalhealth.com/wp-content/uploads/2017/05/Recommended-Practices-for-Supporting-Mental-Health-in-First-Responders-170615.pdf> (accessed 11-09-2022).

Federal Railroad Administration (2020) Rail Suicide Prevention Resource Page. <https://railroads.dot.gov/highway-rail-crossing-and-trespasser-programs/trespassing-prevention/rail-suicide-prevention> (accessed 11-09-2022).

Flores, Jonathan B. (2021) The Perception of Mental Health Intervention Among First Responder Entities. *Trevecaa Nazarene University; School of Graduate and Professional Studies*. <https://www.proquest.com/openview/a7e8d131f8dddc177265a2fecc476fd7/1.pdf?pq-origsite=gscholar&cbl=18750&diss=y> (accessed 11-09-2022).

Horan, Kristin A., Madeline Marks, Jessica Ruiz, Clint Bowers, and Annelise Cunningham. 2021. "Here for My Peer: The Future of First Responder Mental Health" *International Journal of Environmental Research and Public Health* 18, no. 21: 11097. <https://doi.org/10.3390/ijerph182111097> (accessed 11-09-2022).

Mass Transit Rail (2012, October 9) The Cost of Death. *Mass Transit Magazine*. <https://www.masstransitmag.com/rail/article/10810617/the-cost-of-death> (accessed 11-09-2022).

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Appendix B

The Utah Transit Authority Police Department has maintained Police Chaplains and Peer Support officers, to support the mental health and wellbeing of its officers and customers. To date the positions have been filled by volunteer chaplains, and UTAPD officers that volunteer as peer support.

Over the past year the chaplains have been requested at other departments at UTA, to assist employees struggling with issues unique to their roles at UTA. The safety department identified a need for chaplain services while conducting suicide prevention training. It was estimated that 150 hours of chaplain services would be needed, above and beyond what they are currently doing for the police department. The demand for chaplain services has reached a point where it can no longer be done on a volunteer basis.

On October 6 2022, \$17,000 was moved from community outreach to incident response as part of the SRD grant. This funding is intended to be seed money to help support chaplains responding to help operators after an incident, assisting with suicide prevention trainings, and some time getting to know people at business units.

Information on current chaplains and one prospective chaplain will be provided in a requisition to fill a part time or contract position(s) as a pilot program. Some of the benefits of having paid would be,

- **Immediate Help.** Chaplains have the ability to respond to the scene, or designated facility quickly. They can fill a gap between the time of the incident, and when additional services can be coordinated.
- **Committed time to UTA.** Because the volunteer chaplains have other commitments, sometimes they are not available for call out.
- **Scheduling.** Being able to adjust scheduling so that chaplains would be available for training, and meet and greets at other departments.
- **Relationships.** Chaplains would spend time meeting with individual departments and getting to know employees.
- **Facilitating Critical Incident Debriefings.** All departments
- **Coordination with External Resources.** EAP, counselors, therapists, social workers etc.
- **Coordinate with Peer Support.** Police.
- **Promote Peer Support.** Other Departments.
- **Funeral Planning.** Line of duty deaths.
- **Coordinate religious functions.**

Additional information on UTAs Chaplains and Peer Support:

Police Chaplains:

Volunteer police chaplains have supported Utah Transit Authorities police department since 2016. In addition to supporting officers struggling with issues such as burnout, stress or trauma, the chaplains have served the department by,

- Making regular visits to attend shift briefings to build relationships with officers prior to a critical incident.

- Attending night out against crime, trunk or treat, public event activities with officers.
- Riding with officers during patrol shifts observing department and community needs.
- Sending out newsletters and letters of support during the pandemic when social distancing and quarantines prevented in person visits.
- Supporting police with notifications of death or serious injury. If a family needs more help during a notification, a chaplain can stay with the family, and release the officer to get back in service.
- Facilitating critical incident debriefings after an incident.
- Support the departments peer support officers with their duties.
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Peer Support:

UTAs Police department has peer support officers that are trained on assisting their fellow officers. Peer support is not in competition with other forms of wellness assistance. It supplements chaplain services and professional resources. The ultimate goal of peer support programs is to provide officers with emotional and tangible support in times of crisis. As with chaplains, peer support officers are often effective because of availability. Peer support officers work the same shifts as the officers, putting them in a position to ask “Are you ok” when they observe unusual behavior? Peer support also understands and can relate to the nature of the work stressors. They can also be tasked with,

- Planning and facilitating critical incident debriefings.
- Family support for injured and killed officers.
- Officer funeral planning and assistance.
- A listening ear for officers after critical incidents or during administrative investigations.
- Coordination with Police Chaplains